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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,213	12/28/2001	Masatake Miyabe	FUJH 19.302	7376
26304	7590	05/17/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			LEUNG, CHRISTINA Y	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2633	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,213

Applicant(s)

MIYABE, MASATAKE

Examiner

Christina Y. Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasagawa et al. (US 6,771,645 B1).

Regarding claim 1, Sasagawa et al. disclose a packet switching system (Figure 1) comprising:

a table for mapping either an input label value or a set of input label value and input port to an output port and an output label (Figure 2; column 7, lines 25-39 and lines 61-67),

wherein a state variable is set for either the input label value or the set of input label value and input port mapped in the table to represent one of three states (column 5, lines 54-58; column 8, lines 18-21); and

a packet switch for packet-switching packet data according to the information mapped in the table (column 7, lines 25-60).

Sasagawa et al. disclose that the three states are "open," "closed," and "reserved" (column 5, lines 54-58; column 8, lines 18-21). They do not specifically disclose that the three

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states in their system may be specifically called “not reserved,” “reserved,” and “double reserved,” but it is well understood in the art that generalized “states” represented by a variable may be represented by any choice of terminology.

Examiner respectfully notes that claim 1 only recites that a “state variable is set” representing one of three states and does not specifically recite a particular meaning for the states. In other words, the claims do not specifically recite what the states of “not reserved,” “reserved,” and “double reserved” actually represent in terms of the other elements in the system. Therefore, it would have been obvious to a person of ordinary skill in the art to use the terms recited in claim 1 as the names of the three states already disclosed by Sasagawa et al. with respect to labels as an engineering design choice of words to differentiate between the states.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiong et al. (US 6,671,256 B1).

Regarding claim 1, Xiong et al. disclose a packet switching system (Figures 3 and 5) comprising:

a table for mapping either an input label value or a set of input label value and input port to an output port and an output label (Figures 4 and 6; column 4, lines 17-47),

wherein a state variable is set for either the input label value or the set of input label value and input port mapped in the table to represent one of three states (column 4, lines 33-47) and

a packet switch for packet-switching packet data according to the information mapped in the table (column 3, lines 34-67; column 4, lines 1-61).

Regarding claim 4, Xiong et al. disclose an optical cross-connect system (Figures 3 and 5) comprising:

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a table for mapping a set of input wavelength and input port to an output port and an output wavelength (Figures 8 and 9),

wherein a state variable is set for either the input wavelength or the combination of input wavelength and input port mapped in the table to represent one of three states (column 7, lines 53-67; column 8, lines 1-14) and

cross-connect equipment for converting wavelengths according to the information mapped in the table (column 5, lines 24-67; column 6, lines 1-46).

Regarding both claims 1 and 4, Xiong et al. disclose that the three states are “unreserved”, “reserved,” and “reservation in progress” (column 4, lines 33-35; column 7, lines 53-67; column 8, lines 1-14). They do not specifically disclose that the three states in their system may be specifically called “not reserved,” “reserved,” and “double reserved,” but it is well understood in the art that generalized “states” represented by a variable may be represented by any choice of terminology.

Again, Examiner respectfully notes that claims 1 and 4 each only recite that a “state variable is set” representing one of three states and does not specifically recite a particular meaning for the states. In other words, the claims do not specifically recite what the states of “not reserved,” “reserved,” and “double reserved” actually represent in terms of the other elements in the system. Therefore, it would have been obvious to a person of ordinary skill in the art to use the terms recited in claims 1 or 4 as the names of the three states already disclosed by Xiong et al. with respect to labels and wavelengths as an engineering design choice of words to differentiate between the states.

*Allowable Subject Matter*

5. Claims 2, 3, 5, and 6 allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, including Sasagawa et al. and Xiong et al., does not specifically disclose or fairly suggest a system including the combination all the limitations, elements, and steps recited in each of claims 2, 3, 5, and 6, particularly including the steps of setting a label/wavelength for an old route to a double reserved state in case a new route being requested in a label/wavelength request overlaps with the old route, or reserving a new label in case the new route does not overlap with the old route; and when receiving a label/wavelength release request, either setting the double reserved label/wavelength to a reserved state being reserved only for the new route in case the new route overlaps with the old route, or releasing the label/wavelength for old route in case the new route does not overlap with the old route.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Y. Leung whose telephone number is 571-272-3023. The examiner can normally be reached on Monday to Friday, 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2633